

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

NO. 5:22-HC-2085-M

TODD GIFFEN,

Petitioner,

v.

JOE BIDEN, WARDEN FMC BUTNER,
and US DISTRICT COURT RALEIGH
NC,

Respondents.

ORDER

This matter is before the court on petitioner's failure to correct deficiencies as directed in the court's May 23, 2022. Also before the court is petitioner's proposed sealed motion (D.E. 5).

On May 10, 2022, petitioner filed the instant case pursuant to 28 U.S.C. § 2241. (Pet. (D.E. 1)). On May 23, 2022, the court entered an order of deficiency on the grounds that petitioner (1) did not use the proper forms prescribed by the court and (2) did not file an application to proceed without prepayment of fees and affidavit or pay the \$5.00 filing fee. (May 23, 2022, Ord. (D.E. 3)). On June 6, 2022, petitioner paid the \$5.00 filing fee but did not file a corrected petition using the prescribed forms. On July 6, 2022, the court directed petitioner to show cause why the action should not be dismissed for failure to prosecute. On July 11, 2022, petitioner filed the instant proposed sealed motion.

Regarding petitioner's proposed sealed motion, the court finds there is not information contained therein that merits sealing. See Doe v. Public Citizen, 749 F.3d 246, 266-67 (4th Cir. 2014) (providing standard for sealing court documents). Thus, the request to seal is denied. "If [a] motion to seal is denied, the document will remain under seal," and "[t]he document will not

be considered by the court.” Local Civ. R. 79.2(b)(3).

Petitioner’s proposed sealed motion is not the petition on forms prescribed by the court, nor does it address any reasons why petitioner has filed to correct this deficiency. (See Proposed Sealed Mot. (D.E. 5)). Petitioner has yet to file his petition using the prescribed forms.

Accordingly, the instant action is DISMISSED for failure to prosecute and failure to respond as directed to a court order. Petitioner’s proposed sealed motion (D.E. 5) is DENIED as moot. The clerk is DIRECTED to maintain docket entry 5 as a “proposed sealed” document and to close this case.

SO ORDERED, this the 14th day of March, 2023.
Richard E. Myers II
RICHARD E. MYERS, II
Chief United States District Judge